

110TH CONGRESS
1ST SESSION

H. R. 3743

To declare certain children's products containing lead to be banned hazardous substances.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2007

Mr. WAXMAN (for himself, Mr. CARNEY, Mr. ELLISON, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To declare certain children's products containing lead to be banned hazardous substances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BAN ON CHILDREN'S PRODUCTS CONTAINING**
4 **LEAD.**

5 (a) BANNED HAZARDOUS SUBSTANCE.—Effective 30
6 days after the date of enactment of this Act, any children's
7 product containing more than the amounts of lead set
8 forth in subsection (b) shall be a banned hazardous sub-
9 stance within the meaning of section 2(q)(1) of the Fed-
10 eral Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

1 (b) STANDARD FOR AMOUNT OF LEAD.—The
2 amounts of lead referred to in subsection (a) shall be—

3 (1) 600 parts per million lead for any part of
4 a product, effective 30 days after the date of enact-
5 ment of this Act;

6 (2) 250 parts per million lead for any part of
7 a product, effective 1 year after the date of enact-
8 ment of this Act; and

9 (3) 100 parts per million lead for any part of
10 a product, effective 2 years after the date of enact-
11 ment of this Act.

12 (c) COMMISSION AUTHORITY TO REVISE THE
13 STANDARD.—

14 (1) MORE STRINGENT STANDARD.—The Con-
15 sumer Product Safety Commission may revise the
16 standard set forth in subsection (b) to any lower
17 amount of lead than is set forth in such subsection
18 that the Commission determines is feasible to
19 achieve.

20 (2) MANDATORY REVIEW.—After the date that
21 is 5 years after the date of enactment of this Act,
22 the Consumer Product Safety Commission shall,
23 based on the best available scientific and technical
24 information, review and revise the standard then ef-

1 fective to require the lowest amount of lead that the
2 Commission determines is feasible to achieve.

3 (d) DEFINITION OF CHILDREN’S PRODUCT.—As
4 used in subsection (a), the term “children’s product”
5 means any consumer product marketed for use by children
6 under age 6, or whose substantial use by children under
7 age 6 is foreseeable.

8 (e) CERTAIN ELECTRONIC DEVICES.—

9 (1) ALTERNATE STANDARD.—If the Consumer
10 Product Safety Commission determines that it is not
11 feasible for certain children’s products that are elec-
12 tronic devices to attain the standard set forth in
13 subsection (b) of (c), such products shall be
14 equipped with a child-resistant cover or casing that
15 limits exposure of and accessibility to the parts of
16 the product containing such amounts of lead.

17 (2) TREATMENT AS CONSUMER PRODUCT SAFE-
18 TY RULE.—Paragraph (1) shall be considered to be
19 a consumer product safety rule issued by the Con-
20 sumer Product Safety Commission under section 9
21 of the Consumer Product Safety Act (15 U.S.C.
22 2058). The Commission may establish a schedule by
23 which such electronic devices shall be in full compli-
24 ance with the requirement of paragraph (1).

1 (f) NO PREEMPTION OF MORE PROTECTIVE STATE
2 LAWS.—Nothing in this Act preempts any law or ordi-
3 nance of a State or political subdivision of a State con-
4 taining a standard for lead in children’s products that pro-
5 vides equal or greater protection to consumers.

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